

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Fishman Haygood Phelps Walmsley,
Willis & Swanson, LLP, *and all others*
similarly situated,

Plaintiffs,

v.

State Street Corporation, State Street
Bank & Trust Co., State Street Bank &
Trust Co. of New Hampshire, and
State Street Global Advisors,

Defendants.

Case No. 1:09-CV-10533 PBS

**DEFENDANTS' ASSENTED-TO MOTION FOR AN EXTENSION OF TIME TO FILE
ITS SUPPLEMENTAL MEMORANDUM OF LAW IN FURTHER SUPPORT
OF DEFENDANTS' MOTION TO DISMISS UNDER FED. R. CIV. P. 12(B)(1)**

Defendants State Street Corporation, State Street Bank & Trust Company, State Street Bank & Trust Company of New Hampshire, and State Street Global Advisors, a division of State Street Bank & Trust Company, respectfully request that the Court grant Defendants an extension of time to file its Supplemental Memorandum of Law in Further Support of Defendants' Motion to Dismiss Under Fed. R. Civ. P. 12(b)(1). Defendants request that the deadline for this filing, presently scheduled for February 16, 2010, be extended to February 23, 2010.

In support of the requested extension, Defendants state that because a severe blizzard is expected to affect the Northeast region from February 9, 2010 through February 11, 2010, counsel for both parties and the witness are unable to travel to New York to attend the deposition of Plaintiff's expert witness, Anthony A. Nazzaro, previously scheduled on February 11, 2010, and that the first mutually convenient date to reschedule that deposition is February 18, 2010.

Mr. Nazzaro filed two declarations in support of Plaintiff's opposition to Defendants' Motion to Dismiss Under Fed. R. Civ. P. 12(B)(1), and Defendants require a deposition of Mr. Nazzaro prior to filing their supplemental memorandum of law. Defense and Plaintiff's counsel have conferred and, subject to the approval of the Court, Plaintiff assents to this motion to extend the date of Defendants' filing its Supplemental Memorandum from February 16, 2010 to February 23, 2010.

WHEREFORE, for the reasons stated above, Defendants respectfully request that the Court grant this motion for an extension of time to file.

Dated: February 9, 2010

Respectfully submitted,

/s/ Lori A. Martin

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Hampshire, and State Street Global Advisors*

CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2010, I caused a copy of this Document to be served electronically, via the electronic filing system, on the registered participants as identified on the Notice of Electronic Filing (NEF) and by first-class mail on those indicated as non-registered participants.

/s/ Lori A. Martin

Lori A. Martin